



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4610

by Rep. John M. Cabello

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-204	from Ch. 95 1/2, par. 11-204
625 ILCS 5/11-204.1	from Ch. 95 1/2, par. 11-204.1

Amends the Illinois Vehicle Code. Provides that a second violation for fleeing or attempting to elude a peace officer (rather than a third violation) is a Class 4 felony. Increases the penalty for a first violation of aggravated fleeing or attempting to elude a peace officer from a Class 4 felony to a Class 3 felony, and increases the penalty for a second or subsequent violation of aggravated fleeing or attempting to elude a peace officer from a Class 3 felony to a Class 2 felony.

LRB098 19311 MLW 54463 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 11-204 and 11-204.1 as follows:

6 (625 ILCS 5/11-204) (from Ch. 95 1/2, par. 11-204)

7 Sec. 11-204. Fleeing or attempting to elude a peace  
8 officer.

9 (a) Any driver or operator of a motor vehicle who, having  
10 been given a visual or audible signal by a peace officer  
11 directing such driver or operator to bring his vehicle to a  
12 stop, wilfully fails or refuses to obey such direction,  
13 increases his speed, extinguishes his lights, or otherwise  
14 flees or attempts to elude the officer, is guilty of a Class A  
15 misdemeanor. The signal given by the peace officer may be by  
16 hand, voice, siren, red or blue light. Provided, the officer  
17 giving such signal shall be in police uniform, and, if driving  
18 a vehicle, such vehicle shall display illuminated oscillating,  
19 rotating or flashing red or blue lights which when used in  
20 conjunction with an audible horn or siren would indicate the  
21 vehicle to be an official police vehicle. Such requirement  
22 shall not preclude the use of amber or white oscillating,  
23 rotating or flashing lights in conjunction with red or blue

1 oscillating, rotating or flashing lights as required in Section  
2 12-215 of Chapter 12.

3 (b) Upon receiving notice of such conviction the Secretary  
4 of State shall suspend the drivers license of the person so  
5 convicted for a period of not more than 6 months for a first  
6 conviction and not more than 12 months for a second conviction.

7 (c) A second ~~third~~ or subsequent violation of this Section  
8 is a Class 4 felony.

9 (Source: P.A. 93-120, eff. 1-1-04.)

10 (625 ILCS 5/11-204.1) (from Ch. 95 1/2, par. 11-204.1)

11 Sec. 11-204.1. Aggravated fleeing or attempting to elude a  
12 peace officer.

13 (a) The offense of aggravated fleeing or attempting to  
14 elude a peace officer is committed by any driver or operator of  
15 a motor vehicle who flees or attempts to elude a peace officer,  
16 after being given a visual or audible signal by a peace officer  
17 in the manner prescribed in subsection (a) of Section 11-204 of  
18 this Code, and such flight or attempt to elude:

19 (1) is at a rate of speed at least 21 miles per hour  
20 over the legal speed limit;

21 (2) causes bodily injury to any individual;

22 (3) causes damage in excess of \$300 to property;

23 (4) involves disobedience of 2 or more official traffic  
24 control devices; or

25 (5) involves the concealing or altering of the

1 vehicle's registration plate.

2 (b) Any person convicted of a first violation of this  
3 Section shall be guilty of a Class 3 ~~4~~ felony. Upon notice of  
4 such a conviction the Secretary of State shall forthwith revoke  
5 the driver's license of the person so convicted, as provided in  
6 Section 6-205 of this Code. Any person convicted of a second or  
7 subsequent violation of this Section shall be guilty of a Class  
8 2 ~~3~~ felony, and upon notice of such a conviction the Secretary  
9 of State shall forthwith revoke the driver's license of the  
10 person convicted, as provided in Section 6-205 of the Code.

11 (c) The motor vehicle used in a violation of this Section  
12 is subject to seizure and forfeiture as provided in Sections  
13 36-1 and 36-2 of the Criminal Code of 2012.

14 (Source: P.A. 96-328, eff. 8-11-09; 97-743, eff. 1-1-13;  
15 97-1150, eff. 1-25-13.)